

## Message Text

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ACTION EA-14

INFO OCT-01 EUR-25 NEA-10 ISO-00 CIAE-00 DODE-00 PM-07

H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01

SPC-03 SS-20 USIA-15 IO-14 DPW-01 ACDA-19 DRC-01 /159 W

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R 221044Z MAR 74

FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC 8210

INFO AMEMBASSY BANGKOK

AMCONSUL HONG KONG

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY NEW DELHI

AMEMBASSY OTTAWA

AMEMBASSY PARIS

USLO PEKING

AMEMBASSY SAIGON

AMEMBASSY WARSAW

CINCPAC

CDR USSAG NKP

S E C R E T SECTION 1 OF 2 VIENTIANE 2360

E.O. 11652: GDS

TAGS: PFOR, PGOV, LA

SUBJECT: REQUEST FOR ICC REACTIVATION AND CANDEL REACTION

REF: A. VIENTIANE 2285

B. STATE 56168

BEGIN SUMMARY: JCCIA REQUEST OF MARCH 20 FOR REACTIVATION OF ICC/LAOS ALSO INCLUDED GENERAL TERMS OF REFERENCE WHICH CLEARLY LIMIT ROLE OF ICC TO TASKS UNANIMOUSLY REQUESTED BY TWO LAO SIDES IN JCCIA. TERMS DO NOT ALLUDE TO ICC ROLE IN REPATRIATING AND SEARCHING FOR MIAS. ICC CANDEL DOES NOT BELIEVE JCCIA REQUEST WILL CHANGE GOC VIEW ON ITS LEGAL OBLIGATIONS AND NOTED THAT TERMS OF  
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REFERENCE OBVIOUSLY ENVISAGE ONLY TOKEN AND SYMBOLIC PRESENCE

TO WHICH GOC OBJECTS. CANDEL EXPRESSED OPINION THAT BELATED REQUESTS TO UNDERTAKE SUCH A ROLE WOULD NOT BE ESPECIALLY EFFECTIVE WITH OTTAWA. END SUMMARY

1. AS REPORTED PARA III REF A, ON MARCH 20 LAO JOINT CENTRAL COMMISSION TO IMPLEMENT THE AGREEMENT (JCCIA) PRESENTED TO INDIAN ICC CHAIRMAN REQUEST FOR REACTIVATION OF ICC IN LAOS. NOTE, SIGNED BY THE HEADS OF THE RLG AND LPF DELEGATIONS TO JCCIA, "EARNESTLY REQUESTED THAT ICC IN LAOS CONTINUE TIS ACTIVITIES IN CLOSE RELATION AND COOPERATION WITH JCCIA IN CONFORMITY WITH ARTICLE 12 OF THE VIENTIANE AGREEMENT AND ARTICLE 25 OF THE PROROCOL AND WITHIN THE FRAMEWORK OF THE FUNCTIONS DEFINED IN THE PROTOCOL TO THE GENEVA AGREEMENTS OF 1962 ON LAOS." ALSO INCLUDED IN JCCIA PACKET WERE: (A) TWO LSIGHTLY DIVERGENT FRENCH TRANSLATIONS OF THE AGREEMENT AND PROTOCOL, WITH AN EXPLANATION THAT A COMMON TRANSLATION WOULD SOON BE FORTHCOMING; (B) A PREPARED STATEMENT BY JCCIA SPOKESMAN LANE, EXPRESSING HOPE THAT ICC CAN HELP TWO PARTIES IN CARRYING OUT THEIR NATIONAL TASKS WITH THE IMPARTIALITY AND DEVOTION TO PEACE INHERENT IN GENEVA ACCORDS; AND (C) A DOCUMENT ENTITLED "PROVISIONS AGREED BETWEEN THE TWO SIDES IN THE JCCIA REGARDING RELATIONS BETWEEN THE JCCIA AND THE ICC."

2. THE "PROVISIONS" DOCUMENT APPARENTLY CONSTITUTES THE JCCIA TERMS OF REFERENCE FOR THE ICC. IT STATES THAT "RELATIONS BETWEEN THE JCCIA AND ICC ARE TO BE EFFECTED ON THE BASIS OF EQUALITY AND COOPERATION" BETWEEN: (A) THE JCCIA, AS "THE BODY HAVING THE TASK OF IMPLEMENTING THE AGREEMENT AND PROTOCOL, CONSTITUTED ACCORDING TO THE PRINCIPLE THAT 'RESPONSIBILITY IN IMPLEMENTING SAID AGREEMENTS FALLS ESSENTIALLY WITHIN THE PROVINCE OF THE CONCERNED SIDES IN LAOS.' THIS BODY REPRESENTS THE TWO CONCERNED SIDES AND THE SOVREIGNTY OF THE KINGDOM OF LAOS IN RELATIONS CONNECTED WITH THE IMPLEMENTATION OF THE VIENTIANE AGREEMENT AND PROTOCOL;" (B) THE ICC, AS "THE SOLE BODY OF THE INTERNATIONAL CONFERENCE OF 1961-62 FOR SETTLEMENT OF THE LAO PROBLEM, HAVING FUNCTIONS, POWERS AND PRINCIPLES OF WORK DEFINED IN THE PROTOCOL OF THE GENEVA AGREEMENTS OF 1962 ON LAOS AND EXPLAINED IN ARTICILE 25 OF THE PROTOCOL."

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3. THE DOCUMENT THEN PROVIDES THAT: (A) THE JCCIA WILL PERIODICALLY INFORM THE ICC ABOUT IMPLEMENTATION OF THE AGREEMENT SO THAT THE ICC WILL HAVE "DATA INDISPENSIBLE FOR ASSESSING THE SITUATION." WHENEVER THE JCCIA MEEDS COOPERATION OF AND ASSISTANCE FROM THE ICC, IT SHOULD SENDED TO THE LATTER A UNANIMOUS REQUEST OF THE TWO SIDES; (B) AS STIPULATED IN ARTICLE 25 OF THE VIENTIANE PROTOCOL,

THE ICC WILL CARRY OUT ITS TASKS "WHILE MAINTAINING CLOSE RELATIONS AND COOPERATION WITH THE JCCIA AND WILL OPERATE IN PURSUANCE OF UNANIMOUS REQUEST AND AGREEMENT OF THE JCCIA AS EXPRESSED IN AN OFFICIAL NOTE BEARING THE SIGNATURES AND SEALS OF THE LEADERS OF DELEGATIONS OF THE TWO SIDES."

4. THE DOCUMENT CONTINUES THAT THE TWO SIDES HAVE AGREED THAT THE JCCIA COULD PERFORM "OTHER USEFUL ACTS:" (A) REGARDING THE QUESTION OF NEUTRALIZATION OF THE TOWNS OF VIENTIANE AND LUANG PRABANG; (B) REGARDING VIOLATIONS OF THE VIENTIANE AGREEMENT AND PROTOCOL AND OTHER PROBLEMS CONNECTED WITH THE ROLE OF THE ICC AS PROVIDED FOR IN ARTICLE 25 OF THE VIENTIANE PROTOCOL; AND (C) REGARDING "VARIOUS MATERIAL MEANS NECESSARY FOR THE FULFILLMENT OF THE TASKS OF THE JCCIA FOR WHICH THE JCCIA MAY REQUEST THE ASSISTANCE OF THE ICC."

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SPC-03 SS-20 USIA-15 IO-14 DPW-01 ACDA-19 DRC-01 /159 W

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5. FINALLY, THE DOCUMENT INDICATES THAT THE ADMINISTRATION OF THE LAO SIDES IN ZONES UNDER THEIR RESPECTIVE CONTROL WILL COOPERATE WITH THE ICC AND TAKE ALL MEASURES FOR GUARANTEEING FULLY ITS SECURITY IN DISCHARGE OF ITS DUTIES.

6. INDIAN ICC CHAIRMAN IS CONVENING FORMAL MEETING TODAY (MARCH 22) TO CONSIDER JCCIA REQUEST. PROBABLE SCENARIO IS THAT DELEGATIONS WILL AGREE THAT REQUEST BE FORWARDED TO ICC CO-CHAIRMAN. INDIVIDUAL DELEGATIONS HAVE, OF COURSE, TRANSMITTED JCCIA REQUEST TO HOME GOVERNMENTS ALREADY. FOLLOW-ON MEETING WILL BE CALLED AFTER INDIVIDUAL DELEGATIONS HAVE INSTRUCTIONS.

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7. ICC CANDEL REACTION: ICC CANDEL EXPRESSED VIEW TO EMBOFF THAT JCCIA REQUEST HAD NOT MATERIALLY CHANGED THE SITUATION. THE REQUEST DID NOT ALTER THE EXISTING LEGAL SITUATION AND COULD NOT REINSTITUTE THE LEGAL OBLIGATIONS WHICH CANADA HAD ASSUMED IN THE 1962 GENEVA AGREEMENTS. SECONDLY, THE TERMS OF REFERENCE OUTLINED ABOVE DID NOT ENVISAGE AN ACTIVE OR INDEPENDENT ICC ROLE BUT RATHER THE TOKEN AND SYMBOLIC PRESENCE TO WHICH GOC OBJECTS. SIMARD NOTED PARTICULARLY IRONCLAD LANGUAGE THAT ALL FUNCTIONS OF ICC WERE TO BE PERFORMED SOLELY ON THE UNANIMOUS SIGNED AND SEALED REQUEST OF THE TWO SIDES IN THE JCCIA. TERMS OF REFERENCE PROVIDED NO SPECIFIC DETAIL AND DID NOT EVEN REFER TO PROTOCOL ARTICLE 18 CONCERNING ICC ASSISTANCE IN CONNECTION WITH RETURN OF POWS AND SEARCH FOR MIAS. NEITHER WAS THERE ANY REFERENCE TO THE NUMBERS OF ICC PERSONNEL REQUIRED.

8. SIMARD VENTURED THAT ACTION ON GOC REQUEST FOR ICC MEETING TO ENTERTAIN A MOTION FOR ADJOURNMENT SINE DIE WOULD BE AT LEAST TEMPORARILY DEFERRED WHILE THE DELEGATIONS AWAITED INSTRUCTIONS CONCERNING THE JCCIA REQUEST. HE SPECULATED THAT AMONG GOC'S RANGE OF OPTIONS WERE WITHDRAWAL FROM VIENTIANE, LEAVING A DEFACED BIPARTITE ICC, DID NOT APPEAR A STRONG POSSIBILITY. MORE LIKELY OPTIONS, HE SUGGESTED, WERE FOR GOC TO REMAIN IN ICC FOR A LIMITED PERIOD OF TIME AFTER FORMATION OF NEW PGNU OR FOR GOC TO WITHDRAW AND BE REPLACED BY ANOTHER DELEGATION.

9. SIMARD CONCLUDED THAT COG, WHICH HAD CONDUCTED AN EXTENSIVE STUDY ON ICC QUESTION, WOULD MAKE ITS ULTIMATE DECISION ON BASIS OF WIDE-RANGING CONSIDERATIONS, EVEN

INCLUDING BILATERAL RELATIONS WITH INDIA AND POLAND. HE DID NOT BELIEVE THAT BELATED REQUESTS, SUCH AS LANE'S APPEAL QUOTED PARA 1(B) ABOVE, WOULD BE EFFECTIVE WITH OTTAWA. HOWEVER, RLG HAS BEGUN TO MAKE SUCH APPEALS. RLG SPOKESMAN COMMENTED YESTERDAY THAT "RLG HAD NOT RECEIVED ANY OFFICIAL INFORMATION REGARDING POSSIBLE GOC WITHDRAWAL, BUT, IF IT WERE TO DO SO, THE GOVERNMENT COULD ONLY REGRET SUCH A DECISION, ESPECIALLY AT A TIME WHEN THE EXISTENCE OF THE ICC IS MORE THAN EVER NECESSARY TO IMPLEMENT THE AGREEMENTS." UNDER THESE  
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CIRCUMSTANCES, WE DOUBT THAT APPROACH TO SOUVANNA TO MAKE A FURTHER "STRONG STATEMENT" AS RECOMMENDED PARA THREE REF B WOULD BE PARTICULARLY EFFECTIVE AT THIS TIME.  
WHITEHOUSE

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## Message Attributes

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